

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LOGAN GARRISON,

Plaintiff,

v.

No. 12-cv-1023 LH/SMV

**CITY OF RUIDOSO DOWNS,
ALFRED ORTIZ, and
CHRISTOPHER RUPP,**

Defendants.

**ORDER QUASHING ORDER TO SHOW CAUSE AND REQUIRING PLAINTIFF TO
SUPPLEMENT INITIAL DISCLOSURES**

THIS MATTER is before the Court on a Telephonic Status Conference, held on June 25, 2013, and on the Court's Order Order to Show Cause and Order Requiring Plaintiff to Serve Initial Disclosures [Doc. 23]. Pursuant to the status conference, the Court found that Plaintiff has shown good cause for his failures to participate at the Rule 16 Scheduling Conference and to timely serve his initial disclosures. Additionally, the Court now finds that Plaintiff's failures were substantially justified, and that the circumstances surrounding the failures would make an award of expenses unjust, and therefore, the Court concludes that it need not order Plaintiff to pay reasonable expenses. *See* Fed. R. Civ. P. 16(f)(2); *see also* Fed. R. Civ. P. 37(b)(2)(C). Specifically, Plaintiff did not receive the Initial Scheduling Order [Doc. 17]—which set forth both the initial-disclosure deadline as well as the setting for the Scheduling Conference—because his mailbox was temporarily removed. *See* Clerk's Minutes [Doc. 31] at 1; *see also* Verified Response to Order to Show Cause . . . [Doc. 27]. Plaintiff has since produced his initial

disclosures, but they do not fully comply with the Fed. R. Civ. P. 26. Clerk's Minutes [Doc. 31] at 1.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Court's Order to Show Cause and Order Requiring Plaintiff to Serve Initial Disclosures [Doc. 23] is **QUASHED**.

IT IS FURTHER ORDERED that, no later than **July 2, 2013**, Plaintiff shall review Fed. R. Civ. P. 26(a)(1) and supplement his initial disclosures such that they fully comply with that Rule. Specifically, Plaintiff shall include a computation of all damages that he claims, in accordance with Fed. R. Civ. P. 26(a)(1)(A)(iii). **Plaintiff is admonished that further failures to comply may result in imposition of additional sanctions, including dismissal of the litigation with prejudice.** See *Ehrenhaus v. Reynolds*, 965 F.2d 916, 920–21 (10th Cir. 1992).

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge